

GAS REGULATION (AMENDMENT) BILL 2023

Explanatory Memorandum

1. This Bill is promoted by Ms. Lord-Brennan MHK on behalf of the Council of Ministers and the Communications and Utilities Regulatory Authority.
2. *Clause 1* provides the short title of the resulting Act.
3. *Clause 2* contains interpretative provisions. The *Gas Regulation Act 1995* is “the principal Act”.
4. *Clause 3* amends section 6 of the principal Act to refer to the Communications and Utilities Regulatory Authority as “the Authority” as it will be defined as such in the principal Act (see clause 6 of this Bill).
5. *Clause 4* amends section 12 of the principal Act so as to enable the Authority to require the production to it of documents and information in circumstances where it is setting or considering setting parameters in relation to the fixing of tariffs under section 6 of the principal Act.
6. *Clause 5* amends section 16A of the principal Act to refer to the Authority.
7. *Clause 6* amends section 17 of the principal Act so as to define “the Authority” as being the Communications and Utilities Regulatory Authority.
8. *Clause 7* amends section 19 of the principal Act to refer to the Authority.
9. *Clause 8* amends paragraph 3 of Schedule 2 to the principal Act so as to add a provision which may be used to fetter the power of a public gas supplier to cut off the supply of gas to premises in circumstances where a tariff customer has not paid the charges due in respect of gas supplied (see paragraph 3(5) of Schedule 2). The new provision comprises a power for the Council Ministers to make an order (following consultation with the Authority and subject to the Tynwald procedure for all public documents made under the principal Act (see section 16(8) of the principal Act) to specify circumstances where a public gas supplier may not cut off the supply of gas in the circumstances outlined above or recover the expenses incurred in doing so. If such an order is made and in operation, a public gas supplier will commit a criminal offence if it contravenes it.
10. The resulting Act is not expected to have any financial or human resource implications for the Government.
11. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

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1 **A BILL** to amend section 12 of the Gas Regulation Act 1995 to confer power on
 2 the Communications and Utilities Regulatory Authority to require persons to
 3 produce documents and furnish information to it for the purposes of the setting
 4 of parameters within which a public gas supplier may fix tariffs (and to make
 5 consequential amendments); to amend Schedule 2 to that Act to confer on the
 6 Council of Ministers the power to make orders to specify circumstances where
 7 non-payment by a tariff customer may not lead to the cutting off of the supply
 8 of gas to premises; and for connected purposes.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

9 **1 Short title**

10 The short title of this Act is the Gas Regulation (Amendment) Act 2023.

11 **2 Interpretation**

12 (1) In this Act, “**the principal Act**” means the *Gas Regulation Act 1995*.

13 (2) References in this Act to a numbered section or Schedule are, in each
 14 case, to the section or Schedule so numbered in the principal Act.

15 **3 Amendment of section 6**

16 In section 6(2), for “The Communications and Utilities Regulatory Authority
 17 (“the Authority)” substitute “The Authority”.

18 **4 Amendment of section 12**

19 (1) For section 12(1) substitute —

20 | “(1) Subsection (1B) applies where —

21 | (a) the Authority is setting, or considering setting, parameters
 22 | in relation to the fixing of tariffs under section 6; or

(b) it appears to the Department that a public gas supplier may be contravening, or may have contravened, any provision of this Act or any public document under this Act.

(1A) For the purposes of this section, a “requiring body” means —

- (a) the Authority acting pursuant to subsection (1)(a); or
- (b) the Department acting pursuant to subsection (1)(b).

(1B) A requiring body may, in relation to any matter, by notice —

- (a) require any person to produce, at a time and place specified in the notice, to the body or to any person appointed by it for the purpose, any documents which are specified or described in the notice and are in that person’s custody or under that person’s control; or
- (b) require any person carrying on any business to furnish to the body such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished,

but no person shall be compelled to produce any documents which the person could not be compelled to produce in civil proceedings before the court or, in complying with any requirement for the furnishing of information, to give any information which the person could not be compelled to give in evidence in such proceedings.”.

(2) In section 12(2), for “subsection (1)” substitute “subsection (1B)”.

(3) In section 12(4) —

- (a) for “subsection (1)” substitute “subsection (1B)”; and
- (b) for “the Department” substitute “the requiring body that gave the notice”.

5 Amendment of section 16A

In section 16A, for “the Communications and Utilities Regulatory Authority (“the Authority”)” substitute “the Authority”.

6 Amendment of section 17

In section 17(1), at the appropriate position in the alphabetical list insert —

““the Authority” means the Communications and Utilities Regulatory Authority;”.

1 **7 Amendment of section 19**

2 In section 19, for “the Communications and Utilities Regulatory Authority”
3 substitute “the Authority”.

4 **8 Amendment of Schedule 2**

5 (1) In paragraph 3(5), for “If a tariff customer” substitute “Subject to sub-
6 paragraphs (5A) to (5C), if a tariff customer”.

7 (2) After paragraph 3(5) insert —

8 “(5A) The Council of Ministers may by order specify circumstances
9 where a public gas supplier may not cut off the supply of gas to
10 premises or recover the expenses incurred in doing so despite the
11 non-payment of charges in relation to those premises by a tariff
12 customer.

13 (5B) Before exercising its power under sub-paragraph (5A) the Council
14 of Ministers shall consult with the Authority.

15 (5C) A public gas supplier who cuts off the supply of gas to premises
16 in contravention of an order under sub-paragraph (5A) commits
17 an offence and is liable on summary conviction to a fine not
18 exceeding level 4 on the standard scale.”.

IN THE KEYS

GAS REGULATION (AMENDMENT) BILL 2023

A **BILL** to amend section 12 of the Gas Regulation Act 1995 to confer power on the Communications and Utilities Regulatory Authority to require persons to produce documents and furnish information to it for the purposes of the setting of parameters within which a public gas supplier may fix tariffs (and to make consequential amendments); to amend Schedule 2 to that Act to confer on the Council of Ministers the power to make orders to specify circumstances where non-payment by a tariff customer may not lead to the cutting off of the supply of gas to premises; and for connected purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MS LORD-BRENNAN

DECEMBER 2023